



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: S. KOSAKO, et al. Art Unit: 1745

Application No.: 10/760,559

Filed: January 21, 2004

For: FUEL CELL, ELECTROLYTE MEMBRANE-ELECTRODE  
ASSEMBLY FOR FUEL CELL AND MANUFACTURING  
METHOD THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

In response to the Restriction Requirement of May 19, 2006,  
Applicants hereby elect Invention I, claims 1-5 and 10-19 drawn to  
a polymer electrolyte membrane-electrode, classified in class 429,  
subclass 30, with traverse.

Applicants respectfully request withdrawal of the Restriction  
Requirement. No unduly extensive or burdensome search would be  
required to examine the various claims of the noted Groups in the  
same application. MPEP §803 states:

"If the search and examination of  
all the claims in an application  
can be made without serious burden,  
the Examiner *must* examine them on  
the merits, even though they  
include claims to distinct or  
independent inventions." (Emphasis  
added)

In the present case, the search for all pending claims together would not be burdensome.

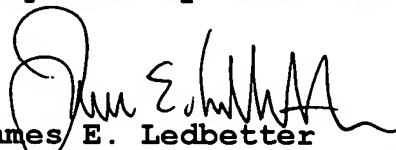
Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Restriction Requirement is maintained, it is clear that there is substantially more burden on Applicants by imposing the present Requirement than on the Patent Office if the Requirement were withdrawn.

In addition, it is noted that to require the claims of the various Groups to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, to review closely related subject matter.

Therefore, withdrawal of the Restriction Requirement is warranted.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,

  
James E. Ledbetter  
Registration No. 28,732

Date: September 26, 2007

JEL/jcw

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